

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JULIO TORRES PALOMO,)	
ID # 1923341,)	
Petitioner,)	
)	CIVIL ACTION NO.
VS.)	
)	3:17-CV-1078-G (BH)
BRYAN COLLIER, Executive Director,)	
Texas Department of Criminal)	
Justice,)	
Respondent.)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the court is of the opinion that the findings and conclusions of the magistrate judge are correct and they are accepted as the findings and conclusions of the court.

For the reasons stated in the findings, conclusions, and recommendation of the United States Magistrate Judge, the clerk of the court is **DIRECTED** to

(1) terminate the post-judgment motion (docket entry 38) in this habeas case; (2) open a new habeas case for administrative purposes only; (3) docket the post-judgment motion (docket entry 38) as a § 2254 motion filed on March 7, 2019, in that new case; (4) directly assign the new case to the same district judge and magistrate judge as in this new case; (5) file a copy of the findings, conclusions, and recommendation of the United States Magistrate Judge, and the order accepting the findings, conclusions, and recommendation in the new case; and (6) and without further judicial action, immediately **TRANSFER** the newly opened § 2254 action to the United States Court of Appeals for the Fifth Circuit under *Henderson v. Haro*, 282 F.3d 862, 864 (5th Cir. 2002), and *In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997).*

SO ORDERED.

April 15, 2019.



A. JOE FISH
Senior United States District Judge

*A certificate of appealability (COA) is not required to appeal an order transferring a successive habeas petition. See *In re Garrett*, 633 F. App'x 260, 261 (5th Cir. 2016); *United States v. Fulton*, 780 F.3d 683 (5th Cir. 2015).